

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

MICHAEL F. FRAZIER,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:21-cv-782-LSC-GMB
)	
JIMMY KILGORE, <i>et al.</i>)	
)	
Respondents.)	

MEMORANDUM OPINION

The Magistrate Judge entered a report (Doc. 11) on January 18, 2023 recommending that the petition for writ of habeas corpus be dismissed with prejudice. No objections have been filed.

After careful consideration of the record in this case and the Magistrate Judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court finds that the petition for writ of habeas corpus is due to be dismissed with prejudice.

A final judgment will be entered.

This court may issue a certificate of appealability "only if the applicant has a made a substantial showing of the denial of a constitutional right." 28 U.S.C. 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims

debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds the petitioner’s claims do not satisfy either standard.

DONE and **ORDERED** on February 14, 2023.

A handwritten signature in black ink, appearing to read 'L. Scott Codgler', is written over a horizontal line.

L. Scott Codgler
United States District Judge

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